

the merits, Applicants respectfully elect, with traverse the species of FIG. 1 for prosecution on the merits, with claims 1-6, 12, 15, 25-31, and 33-35 being readable thereon. However, the Examiner's characterization FIG. 1 as Species I, FIG. 21 as Species II, and FIG. 25 as Species III is incorrect for reasons as discussed herein below.

First of all, FIG. 1, FIG. 21 and FIG. 25 show different embodiments of the same main part of an image display apparatus. For example, FIG. 1 illustrates a main part of an image display apparatus according to a first embodiment of the present invention. FIG. 21 illustrates the same main part of an image display apparatus according to a second embodiment of the present invention, in which different types of DA converter and decoder are provided in the non-display region of an insulating substrate. See page 35, lines 14-23 of Applicants' specification. FIG. 25 illustrates the same main part of an image display apparatus according to a third embodiment of the present invention, in which plural registers and decoders are provided in place of a single register and a single decoder shown in FIG. 1 and FIG. 21. See page 46, lines 7-16 of Applicants' specification. Therefore, as discussed, FIG. 1, FIG. 21 and FIG. 25 are **not** different Species as alleged by the Examiner.

Secondly, independent claim 1 is the only independent claim pending in the instant application that is prepared to broadly read on all embodiments shown in FIG. 1, FIG. 21 and FIG. 25. As a result, claim 1 is considered as a generic claim and, should be treated as such. All other claims, such as claims 2-30, are dependent upon base claim 1 to further define different aspects of Applicants' disclosed invention. Simply stated, there are no different Species claims presented as incorrectly alleged by the Examiner.

Lastly, even assuming *arguendo* that Species claims are presented in the application, which Applicants do not agree, MPEP 806.04(h), Eighth Edition, August 2001, page 800-41 to 800-42, requires the Examiner to make a determination, which the Examiner has not made, that those Species are patentably distinct from each other. Specifically, MPEP 806.04(h) provides in pertinent part as follows:

In a national application containing claims directed to more than a reasonable number of species, the examiner should not require restriction to a reasonable number of species unless he or she is satisfied that he or she would be prepared to allow claims to each of the claimed species over the parent case, if presented in a divisional application filed according to the requirement. Restriction should not be required if the species claimed are considered clearly unpatentable over each other.

In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other, with the statement that restriction as between those species is not required.

In the present situation, the Examiner has not made any determination that each one of the identified species is patentable over each other one of the identified species. Rather, the Examiner simply states that he considers FIG. 1, FIG. 21 and FIG. 25 to represent patentably distinct species of the present invention. Therefore, should the Examiner decide to maintain the requirement for an election of species, Applicants respectfully request that the Examiner specifically set forth on the record separate determinations of patentability with respect to the species of FIG. 1, FIG. 21 and FIG. 25 in order for the requirement for an election of species to be proper as discussed above.

In view of these reasons and the noted deficiencies of the Restriction

Requirement, Applicants respectfully request that the Restriction be withdrawn.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. '1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 of Antonelli, Terry, Stout & Kraus, LLP (referencing Attorney Docket No. 500.40528X00), and please credit any overpayment of fees to such deposit account.

Respectfully submitted,

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